

REMARKS/ARGUMENTS

Claims 151-157, 159-170, and 174-210 are now pending. No claims fees are believed payable. Claims 151-157, 159, 178, 179, 185, 187-192, and 201-209 have been amended to cover only the elected subject matter of Group I, the remaining subject matter being withdrawn from further consideration. Claims 158-159, 171-173 and 211-218 have been withdrawn from consideration. Claim 157 has been amended; support for this amendment can be found at least in cancelled claim 171.

RESPONSE TO RESTRICTION

The Examiner has issued a restriction requirement alleging that the application claims more than one invention. Specifically, the Examiner identifies the inventions as being:

Group I, consisting of claims 157, 159 and claims 151-156, 160-170, 174-210 reading on omeprazole, drawn to compositions containing omeprazole, classified in class 514, subclass 339;

Group II, consisting of claims 158 and 151-156, 160-170, and 174-210 reading on lansoprazole, drawn to compositions containing lansoprazole, classified in class 514, subclass 340;

Group III, consisting of claims 151-156, 160, 174-210, drawn to compositions of the remaining subject matter, classified in various classes and subclasses depending on the species election;

Group IV, consisting of claims 171-172, drawn to multiple active ingredient compositions, classified in various classes and subclasses depending on the species election;

Group V, consisting of claims 211-214 and 173, 215-218 in part reading on omeprazole, drawn to liquid dosage formulations, classified in class 514, subclass 339 (because claim 211 was not put in any group, Applicants have assumed for purposes of this election that the Examiner intended that claim 211 be in Group V, if Applicants are incorrect in this assumption, clarification is respectfully requested); and

Group VI, consisting of claims 173, 215-218, drawn to liquid dosage formulations, classified in class 514, and various subclasses depending on the species elected.

Pursuant to 37 C.F.R. §1.142, Applicants elect Group I (claims 157, 159 and claims 151-156, 160-170, 174-210 reading on omeprazole) without traverse in so far as they are directed to patentably distinct subject matter.

Claims 158, 171-173 and 211-218, as well as the non-elected subject matter of previously pending claims 151-156, 160-170 and 174-210, are withdrawn from further consideration by the Examiner under 37 C.F.R. 1.142(b), as being drawn to a non-elected invention. Applicants, however, reserve the right pursuant to 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected invention during the pendency of the present application.

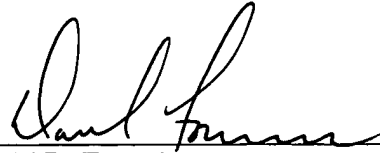
Applicant's note that claim 111 has not been placed into Group but assume it is meant to be placed in Group V.

Applicant also makes note of the Examiner's hypothetical statement regarding the McCullough reference and respectfully disagrees with the characterization of it as anticipating Group I. Applicant reserves the right to formally argue such should the hypothetical mature into a formal rejection.

CONCLUSION

Applicant submits that the presently pending claims are in condition for allowance and requests early and favorable consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David B. Fournier", is written over a horizontal line.

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